

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. M-06/09-336
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, Health Access Eligibility Unit terminating her eligibility for Medicaid. The issue is whether the Department correctly determined the petitioner's household composition and income. The following facts are not in dispute.

FINDINGS OF FACT

1. Until April 2009 the petitioner was a recipient of SSI and Medicaid. She lives with her husband, who is employed. Under SSI and Medicaid eligibility rules, an individual who receives SSI is allowed "separate household" status from *unrelated* household members, and the income of any unrelated household member is not counted in determining the SSI recipient's eligibility for Medicaid. The income of spouses is counted for both SSI and Medicaid.

2. The petitioner's SSI ended in April 2009 as a result of her reporting that she was married. The Department then

notified her that due to her husband's income she was ineligible for Medicaid, effective July 1, 2009, until she meets a "spenddown" of \$1,989 for the following six-month period.

3. The petitioner's husband is employed, and has gross income of \$2,580 a month. After all applicable deductions, the Department has now determined that the petitioner's "share" of that income is \$1,247, which is over the applicable Medicaid income limit of \$1,109. It appears that the Department has correctly calculated the household's income and is now using the most favorable eligibility determination process in arriving at the petitioner's spenddown.¹ The Department also found the petitioner eligible for premium assistance if she enrolls in her husband's employer-sponsored insurance plan.

ORDER

The Department's decision is affirmed.

¹ It appears that the Department has now recalculated the petitioner's spenddown, or intends to do so, based on the petitioner's continuing "categorical" eligibility for SSI.

REASONS

As noted above, there is no dispute that the Department as of July 1, 2009 correctly determined both the sources and amounts of the petitioner's household income. Under Medicaid rules, the earned and unearned income of all related household members is considered in determining financial eligibility. Unfortunately, although it can be viewed as a financial disincentive for marriage, the regulations are clear that SSI and Medicaid households must include spouses who live together, and that part of the income of one spouse must be deemed available to the other, even if the other spouse has no income of his or her own. See W.A.M. §§ M240 *et seq.*

Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations, the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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